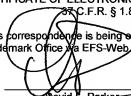


CERTIFICATE OF ELECTRONIC TRANSMISSION 37 C.F.R. § 1.8	
I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:	
May 26, 2009 Date	 David L. Parker

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Gong et al.

Serial No.: 10/605,708

Filed: October 21, 2003

For: CHIMERIC GENE CONSTRUCTS FOR  
GENERATION OF FLUORESCENT  
TRANSGENIC ORNAMENTAL FISH

Group Art Unit: 1632

Examiner: Singh, Anoop Kumar

Atty. Dkt. No.: GLOF:007USC1

Confirmation No: 2707

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Interview Summary mailed on May 1, 2009 in which a Statement of the Substance of the Interview is required.

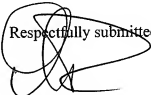
It is believed that no fees are due in connection with this filing; however if any additional fees are required, please consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/GLOF:007USC1.

**Remarks** begin on page 2.

### REMARKS

Applicants are in receipt of the Examiner's interview summary mailed May 1, 2009 regarding a telephonic interview held with the Examiner on April 21, 2009. Applicants confirm that the interview summary correctly reflects that substance of the interview, with the following change. The interview summary stated that "Applicants will consider amending claim 43 to limit the promoter to include zebrafish muscle specific promoter." Applicants do not recall having discussed this possibility. However, Applicants did offer to amend the claims to recite a "fish" muscle promoter if that would have resulted in a notice of allowance, but the examiners refused this offer.

Applicants would note that the Examiner was contacted more recently and advised that Applicants had decided to instead proceed to appeal based on their belief that the Examiner has failed to make out a *prima facie* rejection.

 Respectfully submitted,

David L. Parker  
Reg. No. 32,165  
Attorney for Applicants

Date: May 26, 2009